By: Huffman

S.B. No. 265

(Thompson of Harris)

Substitute the following for S.B. No. 265:

By: Farias C.S.S.B. No. 265

## A BILL TO BE ENTITLED

1 AN ACT

2 relating to bond requirements for county officers and employees,

- 3 district attorneys, and criminal district attorneys.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 5 SECTION 1. Section 43.002, Government Code, is amended by
- 6 amending Subsection (a) and adding Subsection (d) to read as
- 7 follows:
- 8 (a) Before assuming the duties of the office and except as
- 9 provided by Subsection (c) or (d), a district attorney must give a
- 10 bond that:
- 11 (1) is payable to the governor;
- 12 (2) is in the sum of \$5,000;
- 13 (3) has two or more good and sufficient sureties;
- 14 (4) is approved by the district judge; and
- 15 (5) is conditioned that the district attorney will, in
- 16 the manner prescribed by law, faithfully pay over all money that he
- 17 collects or that comes into his hands for the state or a county.
- 18 (d) A district attorney is not required to execute the bond
- 19 required under Subsection (a) and may perform the duties of office
- 20 if the commissioners court of each county in the district by order
- 21 authorizes the county to self-insure against losses that would have
- 22 been covered by the bond. An order adopted by a commissioners court
- 23 under this subsection shall be kept and recorded by the county
- 24 clerk.

- 1 SECTION 2. Section 44.002, Government Code, is amended by
- 2 amending Subsection (a) and adding Subsection (c) to read as
- 3 follows:
- 4 (a) Except as provided by Subsection (b) or (c), a criminal
- 5 district attorney must meet the qualifications and give the bond
- 6 required of a district attorney by the constitution and general
- 7 law.
- 8 (c) A criminal district attorney is not required to execute
- 9 the bond required under Subsection (a) and may perform the duties of
- 10 office if the commissioners court of the county the attorney serves
- 11 by order authorizes the county to self-insure against losses that
- 12 would have been covered by the bond. An order adopted by a
- 13 commissioners court under this subsection shall be kept and
- 14 recorded by the county clerk.
- 15 SECTION 3. Chapter 88, Local Government Code, is amended by
- 16 adding Section 88.008 to read as follows:
- 17 Sec. 88.008. SELF-INSURANCE INSTEAD OF BOND. (a)
- 18 Notwithstanding any other law requiring a county officer or
- 19 employee to execute a bond as a condition of office or employment, a
- 20 county officer or employee is not required to execute the bond and
- 21 may perform the duties of office or employment if:
- 22 (1) the commissioners court by order authorizes the
- 23 county to self-insure against losses that would have been covered
- 24 by the bond; and
- 25 (2) the county judge approves the order adopted under
- 26 Subdivision (1), if the county judge was required to approve the
- 27 bond under the other law.

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- 1 (b) An order adopted by the commissioners court under
- 2 Subsection (a) shall be kept and recorded by the county clerk.
- 3 SECTION 4. The heading to Chapter 88, Local Government
- 4 Code, is amended to read as follows:
- 5 CHAPTER 88. OFFICIAL BONDS OF [CERTAIN] COUNTY OFFICERS AND
- 6 <u>EMPLOYEES</u>
- 7 SECTION 5. This Act takes effect immediately if it receives
- 8 a vote of two-thirds of all the members elected to each house, as
- 9 provided by Section 39, Article III, Texas Constitution. If this
- 10 Act does not receive the vote necessary for immediate effect, this
- 11 Act takes effect September 1, 2013.